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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GAYLE SHIELDS,

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:16-cv-01014-MMD-NJK

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE
NANCY J. KOPPE

Before the Court is Magistrate Judge Nancy J. Koppe's Report and Recommendation ("R&R") (ECF No. 19), recommending denying Plaintiff's motion for reversal and/or remand (ECF No. 13) and granting Defendant Carolyn Colvin's cross-motion to affirm (ECF Nos. 16). Plaintiff had until April 10, 2017 to file an objection. (ECF No. 19.) To date, no objection has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review


1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an objection").
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
6 accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226
7 (accepting, without review, a magistrate judge's recommendation to which no objection
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in order
10 to determine whether to adopt the R&R. The R&R finds that the ALJ's decision is free from
11 legal error and supported by substantial evidence under 42 U.S.C. § 405(g). (ECF No.
12 19.) Upon review of the R&R and the underlying briefs, the Court agrees with the
13 Magistrate Judge's recommendation and adopts the R&R in full.

14 It is hereby ordered that Magistrate Judge Nancy J. Koppe's Report and
15 Recommendation (ECF No. 19) is accepted and adopted. Plaintiff's motion for reversal
16 and remand (ECF No. 13) is denied and Defendant's cross-motion to affirm (ECF No. 16)
17 is granted.

18 The Clerk is instructed to enter judgment in accordance with this Order and close
19 this case.

20 DATED THIS 4th day of May 2017.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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